

GENERAL EXCEPTIONS UNDER LAW OF CRIME

Chapter IV of the Indian Penal Code deals with the general exceptions to criminal liability. There are various kinds of acts (exceptions) done under the circumstances mentioned in Secs. 76 to 106 which will not amount to offences under the Code.

These exceptions are:

- Mistake of fact (Secs. 76, 79).
- Judicial acts (Secs. 77-78).
- Accident (Sec. 80).
- Absence of criminal intention (Secs. 81-86, 92-94).
- Act done by consent (Secs. 87-91).
- Trifling act (Sec. 95).
- Private defence (Secs. 96-106).

The onus of proving exceptions lies on the accused that has to prove the circumstances bringing the case within any of the general exceptions. The court shall presume the absence of such circumstances. The prosecution has to prove the guilt of the accused.

Thus, A, accused of murder, alleges that, by reason of unsoundness of mind, he did not know the nature of the act. The burden of proof is on A. It may be noted that unlike the prosecution, which has to prove the charge beyond a reasonable doubt, the accused has to show that preponderance of probabilities is in favour of his plea.